

REMARKS

In view of the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Claims 1-3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hakkinen et al. in view of Hassan et al.

In the statement of the rejection, the Examiner admitted that Hakkinen et al. does not teach that when communicating with only one mobile station using time-division slots, allowing the mobile stations to keep the diversity reception, and when starting communicating with the second or further mobile station using the space division multiplex method, transmitting a diversity reception stop instruction to the one mobile station already connected. However, the Examiner asserted that Hassan et al. teaches the missing feature of Hakkinen et al., and concluded that it would have been obvious to provide the teachings of Hassan et al. to the device of Hakkinen et al. to arrive at the claimed subject matter.

Applicant respectfully traverses this rejection and submits that Hakkinen et al. and Hassan et al., either individually or in combination, do not disclose or suggest a radio base station including all the limitations recited in independent claim 1. Specifically, the applied combination does not teach, among other things, the following limitations of claim 1:

when communicating with only one mobile station using time-division time slots, allowing the mobile stations to keep the diversity reception, and when starting communicating with the second or further mobile station using the space division multiplex method, transmitting a diversity reception stop instruction to the one mobile station already connected.

Claim 1 requires (i) communicating with a plurality of mobile stations using a space division multiplex method; and (ii) when communicating with only one mobile station, the base

station allows the mobile stations to keep the diversity reception, and when starting communicating with the second or further mobile station, the base station causes the one mobile station to terminate the diversity reception. The Examiner found that requirement (ii) is taught by Hassan et al.

Hassan et al. in Figs. 1 and 2A teaches that satellite 12 is provided with first mobile-link assembly 16 and second mobile-link assembly 18, and a mobile station located in central zone 24a and a mobile station located in edge zone 24b communicate with satellite 12.

For the sake of this discussion, it is assumed that satellite 12 of Hassan et al. is a base station; a path from satellite 12 to central zone 24a and a path from satellite 12 to edge zone 24b are a downlink; and a path from central zone 24a to satellite 12 and a path from edge zone 24b to satellite 12 are an uplink.

According to Hassan et al., first mobile-link assembly 16 and second mobile-link assembly 18 are used in the following manners (see column 3, line 58 to column 4, line 9):

- (a) Downlink: first mobile-link assembly 16 is **NOT** used and second mobile-link assembly 18 is used;
- (b) Uplink (transmission from central zone 24a): first mobile-link assembly 16 is used and second mobile-link assembly 18 is **NOT** used; and
- (c) Uplink (transmission from edge zone 24b): first mobile-link assembly 16 is used and second mobile-link assembly 18 is used.

The above teaches that only second mobile-link assembly 18 is always used to transmit downlink signals regardless of destinations. With respect to uplink signals, satellite 12 performs diversity reception of signals transmitted from edge zone 24b, but does not perform diversity reception of signals transmitted from central zone 24a.

The claimed base station determines whether a mobile station is allowed to perform diversity reception. In contrast, satellite 12 of Hassan et al. determines whether satellite 12, i.e., a base station, to perform diversity reception. That is, claim 1 requires a device in communication with a mobile station to determine whether to allow the mobile station to perform diversity reception, whereas Hassan et al. teaches determining whether a device in communication with a mobile station should perform diversity reception to receive signals from the mobile station.

Hassan et al. teaches that satellite 12 uses only second mobile-link assembly 18 regardless of whether signals are from central zone 24a or edge zone 24b, and does not teach switching between methods for transmitting downlink signals. Further, Hassan et al. does not teach diversity reception by a mobile station in central zone 24a or edge zone 24b. Accordingly, it is apparent that Hassan et al. does not teach that a device in communication with a mobile station determines whether to allow the mobile station to perform diversity reception. Hassan et al. teaches determining whether a base station should perform diversity reception in accordance with an area where a mobile station is located. Hakkinen et al. is silent on the requirements of the claimed subject matter discussed above, and thus, does not cure the deficiencies of Hassan et al.

Based on the foregoing, Applicant submits that Hakkinen et al. and Hassan et al., either individually or in combination, do not disclose or suggest a radio base station including all the limitations recited in independent claim 1. Dependent claims 2 and 3 are also patentably distinguishable over Hakkinen et al. and Hassan et al. at least because these claims respectively include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

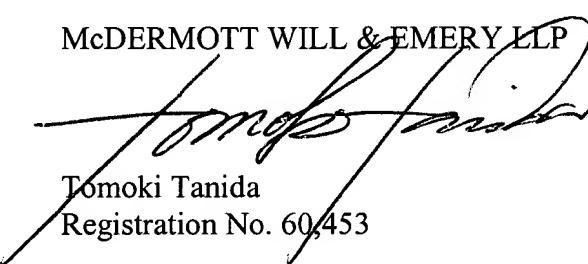
Conclusion

In view of the above amendments and remarks, Applicant submits that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Tomoki Tanida

Tomoki Tanida
Registration No. 60,453

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT:mjb
Facsimile: 202.756.8087
Date: March 17, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**